
Reusable Bag Ordinance

City Council Public Hearing

December 4, 2012

Presenter: Cynthia Palacio, Senior Administrative Analyst



Purpose

- Review the Program Environmental Impact Report (EIR)
- Adopt a Resolution for California Environmental Quality Act Findings (CEQA)
- Introduce an Ordinance Related to Reusable Bags



Background

- Environmental Sustainability Action Plan 2009
 - Waste Reduction Goal
- City Council Approved Work Plan 2012
 - Directed Preparation of an Ordinance
 - Ban Plastic Single-Use, Carryout Bags
 - Require a Charge for Paper Carryout Bags

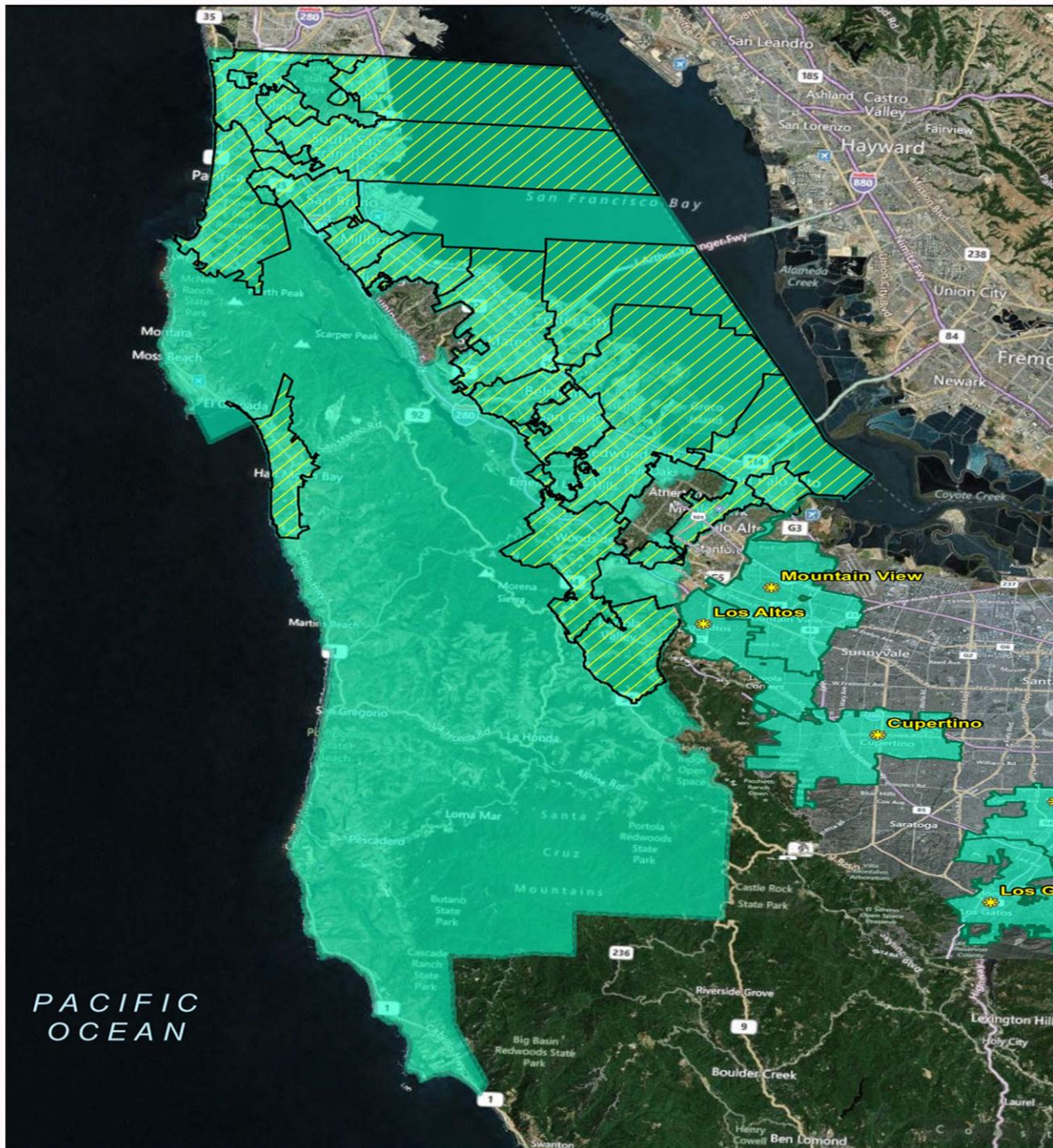
Regional Effort – Same Ordinance

- Intent is to provide uniform, consistent regulations in a broad geographical area
- San Mateo County Lead Agency EIR
- 24 Cities Participating as Responsible Agencies
- Cities may rely on EIR for CEQA Compliance
- Implementation on April 22, 2013, Earth Day

EIR Study Area

24 Cities in San Mateo and Santa Clara Counties

Similar Ordinances adopted in Palo Alto, San Jose, Sunnyvale and unincorporated Santa Clara County



Cities of Gilroy and Santa Clara not considering at this time

CEQA Environmental Review

- Study Area
 - Proposed Reusable Bag Ordinance
 - Identical for all Jurisdictions in Study Area
 - Draft EIR
 - Public Workshops for Scope (April 25, 2012)
 - Public Review Period (June 22-August 6, 2012)
 - Final EIR
 - Certified by San Mateo County (October 23, 2012)
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CEQA Findings

- Final Program EIR examined potential environmental impacts associated with adoption of proposed ordinance
 - ❑ Plastic bag volume estimated at 552 million bags per year
- With ordinance, estimated that:
 - ❑ 95 percent of plastic bag volume will be replaced with reusable and recycled-content paper bags
 - ❑ 5 percent (27.6 million) plastic bags still used each year at retail establishments exempt from the ordinance
 - ❑ Mountain View: 531 plastic bags used per person per year (nearly 40 million bags) but proposed ordinance would reduce it to 5% (2 million) plastic bags still used.

Environmental Impacts

Adopting the Ordinance	Beneficial	Less Than Significant	Negative
Air Quality Emissions	Less plastic bags produced	More truck trips to deliver paper and reusable bags to retailers	
Biological Resources	Less litter in waterways		
Greenhouse Gas Emissions		Emissions from manufacturing more paper bags	
Hydrology / Water Quality	Less litter and waste in storm drains	More chemicals used associated with paper bag production	
Utilities & Service Systems		More water used and wastewater created from washing reusable bags More solid waste created from increased use of paper bags	

Public Input Process – MV Ordinance

■ Chamber of Commerce

- Business in Public Policy Committee meeting July 11, 2012

■ Public Information & Input Meetings

- July 23 at 2 p.m., and July 31 at 7 p.m.

■ Outreach

- Two Direct Mailings to 321 Retail Businesses in Mountain View
- Two e-mails to Chamber of Commerce, Central Business Association, Neighborhood Associations, Environmental Groups, Zero Waste & Bag Interest Lists
- City Website, KMVT, *Mountain View Voice* newspaper.

Intent of the Ordinance

- Reduce environmental impacts and pollution
- Deter the use of paper bags
- Promote a shift toward reusable bags
- Avoid litter and other impacts to stormwater systems, aesthetics and marine environment
- Reduce litter clean-up costs
- Reduce amount of litter entering waterways as required by the City's Municipal Regional Stormwater Permit



Proposed Ordinance

- Regulates single-use carryout bags at all retail businesses selling clothing, food, and personal items to consumers
- *Except* for restaurants and nonprofit charitable thrifts
- Bans distribution of plastic single-use carryout bags
- Allows protective bags for produce, meat, prescriptions, newspapers, dry-cleaning, live fish, and greeting cards
- Requires a minimum charge of 10 cents for paper or reusable carryout bags (increases to 25 cents on or after January 1, 2015)
- Retailers keep the money from paper and reusable bag sales
- Stores may exempt WIC and CalFresh supplemental food participants from the paper bag charge
- Retailers must itemize bag sales on store receipts, retain records for 3 years, and provide records if requested by the City



Implementation

- Implementation April 22, 2012, Earth Day (regional effort)
- Date is consistent with other jurisdictions to prevent confusion in the region and streamline outreach
- Provides retailers and consumers with enough time to locate reusable bags as alternatives to single-use carryout bags
- Regional outreach campaign is planned for consistent messaging and includes:
 - Tool kit distributed to retailers containing signage and information
 - “Knock and Talk” meetings with retailers
 - Outreach to residents at local events, via newspaper, KMVT, etc.
- Enforcement is via random checks and on a complaint basis

Alternatives

1. Do not introduce Reusable Bag Ordinance
2. Modify the Reusable Bag Ordinance as desired.
 - ❑ Significant changes may require supplemental CEQA analysis or new EIR.

Recommendation

■ Adopt a Resolution

- ❑ Determining the Program Environmental Impact Report Prepared by the County of San Mateo for the Reusable Bag Ordinance Be Found Adequate for the City of Mountain View's Action; and
- ❑ Adopting the CEQA Findings of Fact for the Addition of Article IV to Chapter 16 of the Mountain View City Code Regarding Reusable Bags, to be read in title only, further reading waived (Attachment 1 to the staff report).

■ Introduce an Ordinance

- ❑ Adding Article IV to Chapter 16 of the Mountain View City Code Related to Reusable Bags, to be read in title only, further reading waived, and set a second reading for Dec. 11, 2012 (Attachment 2 to the staff report).